

“(c)(1) Except as provided in paragraph (2) of this subsection—

“(A) the provisions of this Act [see Short Title note set out under section 101 of this title] shall not affect suits commenced prior to the date this section takes effect; and

“(B) in all such suits proceedings shall be had, appeals taken, and judgments rendered, in the same manner and effect as if this Act [see Short Title note set out under section 101 of this title] had not been enacted.

No suit, action, or other proceeding commenced by or against any officer in his official capacity as an officer of any department or agency, functions of which are transferred by this Act [see Short Title note set out under section 101 of this title] shall abate by reason of the enactment of this Act. No cause of action by or against any department or agency, functions of which are transferred by this Act, or by or against any officer thereof in his official capacity shall abate by reason of the enactment of this Act. Causes of actions, suits, actions, or other proceedings may be asserted by or against the Postal Service or such official of that Service as may be appropriate and, in any litigation pending when this section takes effect, the court may at any time, on its own motion or that of any party, enter an order which will give effect to the provisions of this subsection.

“(2) If before the date on which any provision of this Act [see Short Title note set out under section 101 of this title] takes effect, any department or agency, or officer thereof in his official capacity, is a party to a suit, and under this Act—

“(A) such department or agency is transferred to the Postal Service; or

“(B) any function of such department, agency, or officer is transferred to the Postal Service; such suit shall be continued by the Postal Service.

“(d) The amendment of any statute by this Act [see Short Title note set out under section 101 of this title] shall not release or extinguish any criminal prosecution, penalty, forfeiture, or liability incurred under such statute, unless the amending Act shall so expressly provide, and such statute shall be treated as still remaining in force for the purpose of sustaining any proper action or prosecution for the enforcement of such prosecution, penalty, forfeiture, or liability.

“(e) With respect to any function, power, or duty transferred by this Act [see Short Title note set out under section 101 of this title] and exercised after the effective date of this Act, reference in any other Federal law to any department or agency, officer, or office so transferred, or functions of which are so transferred, shall be deemed to mean the officer or agency of the Postal Service in which this Act vests such function after such transfer.

“(f) Provisions of title 39, United States Code, in effect immediately prior to the effective date of this section, but not reenacted by this Act [see Short Title note set out under section 101 of this title], shall remain in force as rules or regulations of the Postal Service established by this Act, to the extent the Postal Service is authorized to adopt such provisions as rules or regulations, until they are revoked, amended, or revised by the Postal Service.

“(g) Notwithstanding section 202 of title 39, United States Code, as enacted by section 2 of this Act, Governors of the Board of Governors of the Postal Service may be paid \$300 a day for not more than 60 days of meetings in each of the first 2 years following the effective date of such section 202 [see section 15(b) of Pub. L. 91-375 set out as an Effective Date note above].”

Provisions of section 5 of Pub. L. 91-375 effective within 1 year after Aug. 12, 1970, on date established therefor by the Board of Governors of the United States Postal Service and published by it in the Federal Register, see section 15(a) of Pub. L. 91-375, set out as an Effective Date note above.

CORRESPONDING REFERENCES

Pub. L. 91-375, §6(o)–(q), Aug. 12, 1970, 84 Stat. 783, provided that:

“(o) Whenever any reference is made in any provision of law (other than this Act [see Short Title note set out under section 101 of this title] or a provision of law amended by this Act), regulation, rule, record, or document to the Post Office Department, the Postal Service, the postal field service, the field postal service, or the departmental service or departmental headquarters of the Post Office Department, such reference shall be considered a reference to the United States Postal Service. Any reference to any officer or employee of the Post Office Department, the Postal Service, the postal field service, the field postal service, or the departmental service or departmental headquarters of the Post Office Department shall be deemed a reference to the appropriate officer or employee of the United States Postal Service.

“(p) Whenever reference is made in any provision of law (other than this Act [see Short Title note set out under section 101 of this title] or provision of law amended by this Act), regulation, rule, record, or document to a postal inspector or chief postal inspector of the Post Office Department, such reference shall be deemed to be a reference to the appropriate officer or employee of the United States Postal Service who performs duties related to the inspection of postal matters.

“(q) Whenever reference is made in any law to title 39, United States Code, or provision of that title, as such title or provision existed prior to the effective date of this section [see Effective Date note set out above], that reference shall be considered a reference to the appropriate provision of title 39, as amended by section 2 of this Act, unless no such provision is included therein.”

Provisions of section 6(o) to (q) of Pub. L. 91-375 effective within 1 year after Aug. 12, 1970, on date established therefor by the Board of Governors and published by it in the Federal Register, see section 15(a) of Pub. L. 91-375, set out as an Effective Date note above.

SEPARABILITY; LEGISLATIVE CONSTRUCTION

Pub. L. 91-375, §11, Aug. 12, 1970, 84 Stat. 785, provided that:

“(a) If a part of title 39, United States Code, as enacted by section 2 of this Act, is held invalid, the remainder of such title shall not be affected thereby; and if any other part of this Act [see Short Title note set out under section 101 of this title] is held to be invalid, the remainder of the Act shall not be affected thereby.

“(b) An inference of a legislative construction is not to be drawn by reason of a chapter in title 39, United States Code, as enacted by section 2 of this Act in which a section is placed nor by reason of the caption or catchline.”

Provisions of section 11 of Pub. L. 91-375 effective Aug. 12, 1970, see section 15(a) of Pub. L. 91-375, set out as an Effective Date note above.

TITLE REFERRED TO IN OTHER SECTIONS

This title is referred to in title 49 sections 5126, 41901.

PART I—GENERAL

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CHAPTER 1—POSTAL POLICY AND DEFINITIONS

Sec.	
101.	Postal policy.
102.	Definitions.

§ 101. Postal policy

(a) The United States Postal Service shall be operated as a basic and fundamental service pro-

vided to the people by the Government of the United States, authorized by the Constitution, created by Act of Congress, and supported by the people. The Postal Service shall have as its basic function the obligation to provide postal services to bind the Nation together through the personal, educational, literary, and business correspondence of the people. It shall provide prompt, reliable, and efficient services to patrons in all areas and shall render postal services to all communities. The costs of establishing and maintaining the Postal Service shall not be apportioned to impair the overall value of such service to the people.

(b) The Postal Service shall provide a maximum degree of effective and regular postal services to rural areas, communities, and small towns where post offices are not self-sustaining. No small post office shall be closed solely for operating at a deficit, it being the specific intent of the Congress that effective postal services be insured to residents of both urban and rural communities.

(c) As an employer, the Postal Service shall achieve and maintain compensation for its officers and employees comparable to the rates and types of compensation paid in the private sector of the economy of the United States. It shall place particular emphasis upon opportunities for career advancements of all officers and employees and the achievement of worthwhile and satisfying careers in the service of the United States.

(d) Postal rates shall be established to apportion the costs of all postal operations to all users of the mail on a fair and equitable basis.

(e) In determining all policies for postal services, the Postal Service shall give the highest consideration to the requirement for the most expeditious collection, transportation, and delivery of important letter mail.

(f) In selecting modes of transportation, the Postal Service shall give highest consideration to the prompt and economical delivery of all mail and shall make a fair and equitable distribution of mail business to carriers providing similar modes of transportation services to the Postal Service. Modern methods of transporting mail by containerization and programs designed to achieve overnight transportation to the destination of important letter mail to all parts of the Nation shall be a primary goal of postal operations.

(g) In planning and building new postal facilities, the Postal Service shall emphasize the need for facilities and equipment designed to create desirable working conditions for its officers and employees, a maximum degree of convenience for efficient postal services, proper access to existing and future air and surface transportation facilities, and control of costs to the Postal Service.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 719.)

EFFECTIVE DATE

Section effective Jan. 20, 1971, pursuant to Resolution No. 71-10 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as a note preceding this section.

SHORT TITLE OF 2001 AMENDMENT

Pub. L. 107-67, title VI, § 650(a), Nov. 12, 2001, 115 Stat. 556, provided that: "This section [amending section 414

of this title and enacting provisions set out as a note under section 414 of this title] may be cited as the 'Breast Cancer Research Stamp Act of 2001'."

SHORT TITLE OF 2000 AMENDMENT

Pub. L. 106-253, § 1, July 28, 2000, 114 Stat. 634, provided that: "This Act [enacting section 416 of this title, amending section 414 of this title, and enacting provisions set out as notes under sections 414 and 416 of this title] may be cited as the 'Semipostal Authorization Act'."

SHORT TITLE OF 1998 AMENDMENT

Pub. L. 105-241, § 1, Sept. 28, 1998, 112 Stat. 1572, provided that: "This Act [enacting section 415 of this title and amending sections 404 and 3622 of this title, section 7902 of Title 5, Government Organization and Employees, and sections 652 and 668 of Title 29, Labor] may be cited as the 'Postal Employees Safety Enhancement Act'."

SHORT TITLE OF 1997 AMENDMENT

Pub. L. 105-41, § 1, Aug. 13, 1997, 111 Stat. 1119, provided that: "This Act [enacting section 414 of this title and provisions set out as a note under section 414 of this title] may be cited as the 'Stamp Out Breast Cancer Act'."

SHORT TITLE OF 1993 AMENDMENT

Pub. L. 103-123, title VII, § 701(a), Oct. 28, 1993, 107 Stat. 1267, provided that: "This title [enacting section 3642 of this title, amending sections 410, 2401, 3202, 3601, 3625 to 3627, and 3683 of this title, and enacting provisions set out as notes under sections 2401, 3621, 3626, and 3683 of this title] may be cited as the 'Revenue Forgone Reform Act'."

SHORT TITLE OF 1976 AMENDMENT

Pub. L. 94-421, § 1, Sept. 24, 1976, 90 Stat. 1303, provided: "That this Act [amending sections 404, 2003, 2401, 3601, 3604, 3622, 3623, 3624, 3626, 3641, and 3683 of this title, and enacting provisions set out as notes under sections 404, 3601, 3624, 3641, and 3661 of this title] may be cited as the 'Postal Reorganization Act Amendments of 1976'."

SHORT TITLE

Pub. L. 91-375, § 1, Aug. 12, 1970, 84 Stat. 719, provided: "That this Act [revising this title, enacting sections 1735 to 1737 of Title 18, Crimes and Criminal Procedure, amending section 356 of Title 2, The Congress, section 19 of Title 3, The President, sections 101, 104, 2104, 2105, 3104, 3304a, 4301, 5102, 5303, 5304, 5312, 5314 to 5316, 5541, 6301, 6323, 7101, and 8344 of Title 5, Government Organization and Employees, sections 24 seventh par., 1701d-3, and 1701e of Title 12, Banks and Banking, section 637 of Title 15, Commerce and Trade, section 4601-1 of Title 16, Conservation, section 8 of former Title 17, Copyrights, sections 12, 440, 441, 500, 501, 612, 876, 877, 1114, 1303, 1341, 1342, 1463, 1696, 1699, 1703, 1704, 1707, 1709 to 1713, 1715, 1716, 1716A, 1717, 1718, 1721 to 1725, 1729, 1730, 1733, and 3061 of Title 18, section 611 of Title 22, Foreign Relations and Intercourse, sections 72 fifth par., 129, and 724a of former Title 31, Money and Finance, sections 356, 474, 615, 723, and 724 of Title 40, Public Buildings, Property, and Works, and section 2942 of Title 42, The Public Health and Welfare, repealing section 3327 of Title 5 and section 1028 of former Title 31, and enacting provisions set out as notes under this section and sections 201, 601, 1001, 1003, 1201, 2002, 2004, 3010, and 3621 of this title] may be cited as the 'Postal Reorganization Act'."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 404, 1003, 2401, 5001 of this title.

§ 102. Definitions

As used in this title—

(1) “Postal Service” means the United States Postal Service established by section 201 of this title;

(2) “Board of Governors”, and “Board”, unless the context otherwise requires, mean the Board of Governors established under section 202 of this title;

(3) “Governors” means the 9 members of the Board of Governors appointed by the President, by and with the advice and consent of the Senate, under section 202(a) of this title; and

(4) “Inspector General” means the Inspector General appointed under section 202(e) of this title.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 720; Pub. L. 104-208, div. A, title I, §101(f) [title VI, §662(a)(2)], Sept. 30, 1996, 110 Stat. 3009-314, 3009-379.)

AMENDMENTS

1996—Par. (4). Pub. L. 104-208 added par. (4).

EFFECTIVE DATE

Section effective July 1, 1971, pursuant to Resolution No. 71-9 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as a note preceding section 101 of this title.

CHAPTER 2—ORGANIZATION

Sec.	
201.	United States Postal Service.
202.	Board of Governors.
203.	Postmaster General; Deputy Postmaster General.
204.	General Counsel; Judicial Officer; Chief Postal Inspector.
205.	Procedures of the Board of Governors.
206.	Advisory Council.
207.	Seal.
208.	Reservation of powers.

AMENDMENTS

1996—Pub. L. 104-208, div. A, title I, §101(f) [title VI, §662(f)(2)(B)], Sept. 30, 1996, 110 Stat. 3009-314, 3009-383, in item 204 substituted “General Counsel; Judicial Officer; Chief Postal Inspector” for “Assistant Postmasters General; General Counsel; Judicial Officer”.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in section 1003 of this title.

§ 201. United States Postal Service

There is established, as an independent establishment of the executive branch of the Government of the United States, the United States Postal Service.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 720.)

EFFECTIVE DATE

Section effective July 1, 1971, pursuant to Resolution No. 71-9 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as a note preceding section 101 of this title.

TRANSFER OF FUNCTIONS; ABOLITION OF OFFICE

Section 4(a) of Pub. L. 91-375 provided that: “There are hereby transferred to the United States Postal Service all the functions, powers, and duties of the Post Office Department and the Postmaster General of the Post Office Department, and the Post Office Department and the office of Postmaster General of the Post Office Department are abolished.”

Provisions of section 4(a) of Pub. L. 91-375 effective within 1 year after Aug. 12, 1970, on date established therefor by the Board of Governors of the United States Postal Service and published by it in the Federal Register, see section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding section 101 of this title.

INSPECTOR GENERAL OF THE UNITED STATES POSTAL SERVICE

Pub. L. 104-208, div. A, title I, §101(f) [title VI, §662(e)], Sept. 30, 1996, 110 Stat. 3009-314, 3009-382, provided that:

“(1) FIRST APPOINTMENT.—The first Inspector General of the United States Postal Service appointed pursuant to the amendments made by this section [amending sections 102, 202, 204, 410, and 1003 of this title, section 5315 of Title 5, Government Organization and Employees, and section 8G of the Inspector General Act of 1978, Pub. L. 95-452, set out in the Appendix to Title 5, and renumbering another section 8G of the Inspector General Act of 1978 as 8H] shall be appointed before the end of the 90-day period beginning on the date of the enactment of this Act [Sept. 30, 1996].

“(2) TRANSFERS.—

“(A) IN GENERAL.—All measures described in section 8G(b) of the Inspector General Act of 1978 necessary to establish an Office of Inspector General within the United States Postal Service pursuant to this section, including all appropriate transfers, shall occur—

“(i) no earlier than the date the appointment under paragraph (1) is made; and

“(ii) no later than 60 days after the date the appointment under paragraph (1) is made.

“(B) PROVISIONS RELATING TO PERSONNEL.—

“(i) CONSULTATION.—Decisions concerning which personnel are to be transferred pursuant to subparagraph (A) shall be made by the Governors (within the meaning of section 102(3) of title 39, United States Code) in consultation with the Inspector General appointed under paragraph (1).

“(ii) TRANSFERRED PERSONNEL.—Personnel transferred pursuant to subparagraph (A) shall, to the extent not inconsistent with other provisions of this subsection, be transferred in accordance with applicable laws and regulations relating to the transfer of functions within the United States Postal Service, except that, notwithstanding any provision of section 1003(b) of title 39, United States Code, as amended by this section, the classification and compensation of such personnel shall not be reduced, by reason of having been transferred, for 1 year after being so transferred.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 102 of this title.

§ 202. Board of Governors

(a) The exercise of the power of the Postal Service shall be directed by a Board of Governors composed of 11 members appointed in accordance with this section. Nine of the members, to be known as Governors, shall be appointed by the President, by and with the advice and consent of the Senate, not more than 5 of whom may be adherents of the same political party. The Governors shall elect a Chairman from among the members of the Board. The Governors shall be chosen to represent the public interest generally, and shall not be representatives of specific interests using the Postal Service, and may be removed only for cause. Each Governor shall receive a salary of \$30,000 a year plus \$300 a day for not more than 42 days of meetings each year and shall be reimbursed for travel and reasonable expenses incurred in at-

tending meetings of the Board. Nothing in the preceding sentence shall be construed to limit the number of days of meetings each year to 42 days.

(b) The terms of the 9 Governors shall be 9 years, except that the terms of the 9 Governors first taking office shall expire as designated by the President at the time of appointment, 1 at the end of 1 year, 1 at the end of 2 years, 1 at the end of 3 years, 1 at the end of 4 years, 1 at the end of 5 years, 1 at the end of 6 years, 1 at the end of 7 years, 1 at the end of 8 years, and 1 at the end of 9 years, following the appointment of the first of them. Any Governor appointed to fill a vacancy before the expiration of the term for which his predecessor was appointed shall serve for the remainder of such term. A Governor may continue to serve after the expiration of his term until his successor has qualified, but not to exceed one year.

(c) The Governors shall appoint and shall have the power to remove the Postmaster General, who shall be a voting member of the Board. His pay and term of service shall be fixed by the Governors.

(d) The Governors and the Postmaster General shall appoint and shall have the power to remove the Deputy Postmaster General, who shall be a voting member of the Board. His term of service shall be fixed by the Governors and the Postmaster General and his pay by the Governors.

(e)(1) The Governors shall appoint and shall have the power to remove the Inspector General.

(2) The Inspector General shall be appointed—

(A) for a term of 7 years;

(B) without regard to political affiliation; and

(C) solely on the basis of integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations.

(3) The Inspector General may at any time be removed upon the written concurrence of at least 7 Governors, but only for cause. Nothing in this subsection shall be considered to exempt the Governors from the requirements of section 8G(e) of the Inspector General Act of 1978.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 720; Pub. L. 98-81, § 2, Aug. 23, 1983, 97 Stat. 487; Pub. L. 99-190, § 144, Dec. 19, 1985, 99 Stat. 1324; Pub. L. 104-208, div. A, title I, § 101(f) [title VI, §§ 644(a), 662(a)(1)], Sept. 30, 1996, 110 Stat. 3009-314, 3009-366, 3009-378.)

REFERENCES IN TEXT

Section 8G of the Inspector General Act of 1978, referred to in subsec. (e), is section 8G of Pub. L. 95-452, which is set out in the Appendix to Title 5, Government Organization and Employees.

AMENDMENTS

1996—Subsec. (a). Pub. L. 104-208, § 101(f) [title VI, § 644(a)], substituted “\$30,000 a year” for “\$10,000 a year”.

Subsec. (e). Pub. L. 104-208, § 101(f) [title VI, § 662(a)(1)], added subsec. (e).

1985—Subsec. (a). Pub. L. 99-190 substituted “42” for “30” in two places.

1983—Subsec. (b). Pub. L. 98-81 inserted provision that a Governor may continue to serve after the expiration of his term until his successor has qualified, but not to exceed one year.

EFFECTIVE DATE OF 1996 AMENDMENT

Section 101(f) [title VI, § 644(b)] of Pub. L. 104-208 provided that: “Subsection (a) [amending this section] shall take effect at the beginning of the next applicable pay period beginning after the date of the enactment of this Act [Sept. 30, 1996].”

EFFECTIVE DATE

Section effective Aug. 12, 1970, see section 15(a) of Pub. L. 91-375, set out as a note preceding section 101 of this title.

SAVINGS PROVISION

Payment to Governors of Board of Governors of Postal Service of \$300 a day for not more than 60 days of meetings in each of first 2 years following effective date of this section [see Effective Date note set out above], notwithstanding this section, see section 5(g) of Pub. L. 91-375, set out as a note preceding section 101 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 102, 203, 1001, 1005 of this title; title 2 section 356.

§ 203. Postmaster General; Deputy Postmaster General

The chief executive officer of the Postal Service is the Postmaster General appointed under section 202(c) of this title. The alternate chief executive officer of the Postal Service is the Deputy Postmaster General appointed under section 202(d) of this title.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 721.)

EFFECTIVE DATE

Section effective Aug. 12, 1970, see section 15(a) of Pub. L. 91-375, set out as a note preceding section 101 of this title.

§ 204. General Counsel; Judicial Officer; Chief Postal Inspector

There shall be within the Postal Service a General Counsel, such number of Assistant Postmasters General as the Board shall consider appropriate, a Judicial Officer, and a Chief Postal Inspector. The General Counsel, the Assistant Postmasters General, the Judicial Officer, and the Chief Postal Inspector shall be appointed by, and serve at the pleasure of, the Postmaster General. The Judicial Officer shall perform such quasi-judicial duties, not inconsistent with chapter 36 of this title, as the Postmaster General may designate. The Judicial Officer shall be the agency for the purposes of the requirements of chapter 5 of title 5, to the extent that functions are delegated to him by the Postmaster General. The Chief Postal Inspector shall report to, and be under the general supervision of, the Postmaster General. The Postmaster General shall promptly notify the Governors and both Houses of Congress in writing if he or she removes the Chief Postal Inspector or transfers the Chief Postal Inspector to another position or location within the Postal Service, and shall include in any such notification the reasons for the removal or transfer.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 721; Pub. L. 104-208, div. A, title I, § 101(f) [title VI, § 662(f)(2)(A)], Sept. 30, 1996, 110 Stat. 3009-314, 3009-382.)

AMENDMENTS

1996—Pub. L. 104-208, § 101(f) [title VI, § 662(f)(2)(A)(i)], in section catchline substituted “General Counsel; Judicial Officer; Chief Postal Inspector” for “Assistant Postmasters General; General Counsel; Judicial Officer”.

Pub. L. 104-208, § 101(f) [title VI, § 662(f)(2)(A)(ii)–(iv)], substituted “a Judicial Officer, and a Chief Postal Inspector.” for “and a Judicial Officer.” and “the Judicial Officer, and the Chief Postal Inspector” for “and the Judicial Officer”, and inserted at end “The Chief Postal Inspector shall report to, and be under the general supervision of, the Postmaster General. The Postmaster General shall promptly notify the Governors and both Houses of Congress in writing if he or she removes the Chief Postal Inspector or transfers the Chief Postal Inspector to another position or location within the Postal Service, and shall include in any such notification the reasons for the removal or transfer.”

EFFECTIVE DATE

Section effective Jan. 20, 1971, pursuant to Resolution No. 71-7 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as a note preceding section 101 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1001, 1005 of this title.

§ 205. Procedures of the Board of Governors

(a) The Board shall direct and control the expenditures and review the practices and policies of the Postal Service, and perform other functions and duties prescribed by this title.

(b) Vacancies in the Board, as long as there are sufficient members to form a quorum, shall not impair the powers of the Board under this title.

(c) The Board shall act upon majority vote of those members who are present, and any 6 members present shall constitute a quorum for the transaction of business by the Board, except—

(1) that in the appointment or removal of the Postmaster General, and in setting the compensation of the Postmaster General and Deputy Postmaster General, a favorable vote of an absolute majority of the Governors in office shall be required;

(2) that in the appointment or removal of the Deputy Postmaster General, a favorable vote of an absolute majority of the Governors in office and the member serving as Postmaster General shall be required; and

(3) as otherwise provided in this title.

(d) No officer or employee of the United States may serve concurrently as a Governor. A Governor may hold any other office or employment not inconsistent or in conflict with his duties, responsibilities, and powers as an officer of the Government of the United States in the Postal Service.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 721.)

EFFECTIVE DATE

Subsecs. (a) and (d) effective July 1, 1971, pursuant to Resolution No. 71-9 of the Board of Governors, and subsecs. (b) and (c) effective Aug. 12, 1970. See section 15(a) of Pub. L. 91-375, set out as a note preceding section 101 of this title.

§ 206. Advisory Council

(a) There shall be a Postal Service Advisory Council of which the Postmaster General shall

be the Chairman and the Deputy Postmaster General shall be the Vice Chairman. The Advisory Council shall have 11 additional members appointed by the President. He shall appoint as such members (1) 4 persons from among persons nominated by those labor organizations recognized as collective-bargaining representatives for employees of the Postal Service in one or more collective-bargaining units, (2) 4 persons as representatives of major mail users, and (3) 3 persons as representatives of the public at large. All members shall be appointed for terms of 2 years except that, of those first appointed, 2 of the members representative of labor organizations, 2 of the members representative of major postal users, and 1 member representing the public at large shall be appointed for 1 year. Any member appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed shall serve for the remainder of such term.

(b) The Postal Service shall consult with and receive the advice of the Advisory Council regarding all aspects of postal operations.

(c) The members of the Council representative of the public at large shall receive for each meeting of the Council an amount equal to the daily rate applicable to level V of the Executive Schedule under section 5316 of title 5. All members of the Council shall be reimbursed for necessary travel and reasonable expenses incurred in attending meetings of the Council.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 722.)

EFFECTIVE DATE

Section effective Aug. 12, 1970, see section 15(a) of Pub. L. 91-375, set out as a note preceding section 101 of this title.

TERMINATION OF ADVISORY COUNCILS

Advisory councils in existence on Jan. 5, 1973, to terminate not later than the expiration of the 2-year period following Jan. 5, 1973, unless, in the case of a council established by the President or an officer of the Federal Government, such council is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a council established by the Congress, its duration is otherwise provided by law. See sections 3(2) and 14 of Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, 776, set out in the Appendix to Title 5, Government Organization and Employees.

§ 207. Seal

The seal of the Postal Service shall be filed by the Board in the Office of the Secretary of State, judicially noticed, affixed to all commissions of officers of the Postal Service, and used to authenticate records of the Postal Service.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 722.)

EFFECTIVE DATE

Section effective Jan. 16, 1971, pursuant to Resolution No. 71-5 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as a note preceding section 101 of this title.

§ 208. Reservation of powers

Congress reserves the power to alter, amend, or repeal any or all of the sections of this title, but no such alteration, amendment, or repeal shall impair the obligation of any contract made

by the Postal Service under any power conferred by this title.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 722.)

EFFECTIVE DATE

Section effective July 1, 1971, pursuant to Resolution No. 71-9 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as a note preceding section 101 of this title.

CHAPTER 4—GENERAL AUTHORITY

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AMENDMENTS

2000—Pub. L. 106-253, §2(d), July 28, 2000, 114 Stat. 636, added item 416.

1998—Pub. L. 105-241, §4(b), Sept. 28, 1998, 112 Stat. 1573, added item 415.

1997—Pub. L. 105-41, §2(c), Aug. 13, 1997, 111 Stat. 1121, added item 414.

1990—Pub. L. 101-524, §5(b), Nov. 6, 1990, 104 Stat. 2303, added item 413.

§ 401. General powers of the Postal Service

The Postal Service shall have the following general powers:

- (1) to sue and be sued in its official name;
- (2) to adopt, amend, and repeal such rules and regulations as it deems necessary to accomplish the objectives of this title;
- (3) to enter into and perform contracts, execute instruments, and determine the character of, and necessity for, its expenditures;
- (4) to determine and keep its own system of accounts and the forms and contents of its contracts and other business documents, except as otherwise provided in this title;
- (5) to acquire, in any lawful manner, such personal or real property, or any interest therein, as it deems necessary or convenient in the transaction of its business; to hold, maintain, sell, lease, or otherwise dispose of such property or any interest therein; and to provide services in connection therewith and charges therefor;
- (6) to construct, operate, lease, and maintain buildings, facilities, equipment, and other improvements on any property owned or controlled by it, including, without limitation, any property or interest therein transferred to it under section 2002 of this title;
- (7) to accept gifts or donations of services or property, real or personal, as it deems necessary or convenient in the transaction of its business;

(8) to settle and compromise claims by or against it;

(9) to exercise, in the name of the United States, the right of eminent domain for the furtherance of its official purposes; and to have the priority of the United States with respect to the payment of debts out of bankrupt, insolvent, and decedents' estates; and

(10) to have all other powers incidental, necessary, or appropriate to the carrying on of its functions or the exercise of its specific powers.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 722.)

EFFECTIVE DATE

Cls. (1) and (3) to (10) effective July 1, 1971, pursuant to Resolution No. 71-9 of the Board of Governors and cl. (2) effective Aug. 12, 1970. See section 15(a) of Pub. L. 91-375, set out as a note preceding section 101 of this title.

EMERGENCY PREPAREDNESS FUNCTIONS

For assignment of certain emergency preparedness functions to the Postmaster General, see Parts 1, 2, and 26 of Ex. Ord. No. 12656, Nov. 18, 1988, 53 F.R. 47491, set out as a note under section 5195 of Title 42, The Public Health and Welfare.

§ 402. Delegation of authority

Except for those powers, duties, or obligations specifically vested in the Governors, as distinguished from the Board of Governors, the Board may delegate the authority vested in it to the Postmaster General under such terms, conditions, and limitations, including the power of re-delegation, as it deems desirable. The Board may establish such committees of the Board, and delegate such powers to any committee, as the Board determines appropriate to carry out its functions and duties. Delegations to the Postmaster General or committees shall be consistent with other provisions of this title, shall not relieve the Board of full responsibility for the carrying out of its duties and functions, and shall be revocable by the Governors in their exclusive judgment.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 723.)

EFFECTIVE DATE

Section effective Jan. 16, 1971, pursuant to Resolution No. 71-5 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as a note preceding section 101 of this title.

§ 403. General duties

(a) The Postal Service shall plan, develop, promote, and provide adequate and efficient postal services at fair and reasonable rates and fees. The Postal Service shall receive, transmit, and deliver throughout the United States, its territories and possessions, and, pursuant to arrangements entered into under sections 406 and 411 of this title, throughout the world, written and printed matter, parcels, and like materials and provide such other services incidental thereto as it finds appropriate to its functions and in the public interest. The Postal Service shall serve as nearly as practicable the entire population of the United States.

(b) It shall be the responsibility of the Postal Service—

- (1) to maintain an efficient system of collection, sorting, and delivery of the mail nationwide;

(2) to provide types of mail service to meet the needs of different categories of mail and mail users; and

(3) to establish and maintain postal facilities of such character and in such locations, that postal patrons throughout the Nation will, consistent with reasonable economies of postal operations, have ready access to essential postal services.

(c) In providing services and in establishing classifications, rates, and fees under this title, the Postal Service shall not, except as specifically authorized in this title, make any undue or unreasonable discrimination among users of the mails, nor shall it grant any undue or unreasonable preferences to any such user.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 723; Pub. L. 96-70, title I, §1331(e)(1), Sept. 27, 1979, 93 Stat. 482.)

AMENDMENTS

1979—Subsec. (a). Pub. L. 96-70 substituted “The Postal Service” for “Except as provided in the Canal Zone Code, the Postal Service”.

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96-70 effective Oct. 1, 1979, see section 3304 of Pub. L. 96-70, set out as an Effective Date note under section 3601 of Title 22, Foreign Relations and Intercourse.

EFFECTIVE DATE

Section effective Jan. 20, 1971, pursuant to Resolution No. 71-10 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as a note preceding section 101 of this title.

CONTINUATION OF MAIL DELIVERY SERVICES

Provisions requiring continuation of six-day delivery and rural delivery of mail at not less than the 1983 level were contained in the following appropriations acts:

- Pub. L. 107-67, title II, Nov. 12, 2001, 115 Stat. 525.
- Pub. L. 106-554, §1(a)(3) [title II], Dec. 21, 2000, 114 Stat. 2763, 2763A-135.
- Pub. L. 106-58, title II, Sept. 29, 1999, 113 Stat. 444.
- Pub. L. 105-277, div. A, §101(h) [title II], Oct. 21, 1998, 112 Stat. 2681-480, 2681-492.
- Pub. L. 105-61, title II, Oct. 10, 1997, 111 Stat. 1290.
- Pub. L. 104-208, div. A, title I, §101(f) [title II], Sept. 30, 1996, 110 Stat. 3009-314, 3009-326.
- Pub. L. 104-52, title II, Nov. 19, 1995, 109 Stat. 476.
- Pub. L. 103-329, title II, Sept. 30, 1994, 108 Stat. 2392.
- Pub. L. 103-123, title II, Oct. 28, 1993, 107 Stat. 1234.
- Pub. L. 102-393, title II, Oct. 6, 1992, 106 Stat. 1737.
- Pub. L. 102-141, title II, Oct. 28, 1991, 105 Stat. 843.
- Pub. L. 101-509, title II, Nov. 5, 1990, 104 Stat. 1396.
- Pub. L. 101-136, title II, Nov. 3, 1989, 103 Stat. 790.
- Pub. L. 100-440, title II, Sept. 22, 1988, 102 Stat. 1727.
- Pub. L. 100-202, §§101(m) [title II], 102, Dec. 22, 1987, 101 Stat. 1329-390, 1329-397, 1329-433.
- Pub. L. 99-500, §§101(m) [title II], 102, Oct. 18, 1986, 100 Stat. 1783-308, 1783-314, 1783-346, and Pub. L. 99-591, §§101(m) [title II], 102, Oct. 30, 1986, 100 Stat. 3341-308, 3341-314, 3341-346.
- Pub. L. 99-190, §§101(h) [H.R. 3036, title II], 102, Dec. 19, 1985, 99 Stat. 1291, 1315.
- Pub. L. 98-473, §§101(j) [H.R. 5798, title II], 102, Oct. 12, 1984, 98 Stat. 1963, 1964.
- Pub. L. 98-151, §§102, 106, Nov. 14, 1983, 97 Stat. 975.
- Pub. L. 98-107, §§102, 108, Oct. 1, 1983, 97 Stat. 740, 741.
- Pub. L. 97-377, title I, §111B, Dec. 21, 1982, 96 Stat. 1912.
- Pub. L. 97-35, title XVII, §1722, Aug. 13, 1981, 95 Stat. 759, as amended by Pub. L. 98-369, div. B, title II, §2209, July 18, 1984, 98 Stat. 1061.

Pub. L. 96-499, title IV, §412, Dec. 5, 1980, 94 Stat. 2607.

PROHIBITION OF 9-DIGIT ZIP CODE

Pub. L. 97-35, title XVII, §1726, Aug. 13, 1981, 95 Stat. 761, provided that:

“(a) The Postal Service shall not implement any ZIP code system using more than 5 digits before October 1, 1983. This subsection shall not be construed as precluding the Postal Service or the Postal Rate Commission from taking such actions as may be required before October 1, 1983, to prepare for the implementation of such a ZIP code system.

“(b) During the period beginning on the date of the enactment of this Act [Aug. 13, 1981] and ending December 31, 1982, no Executive agency shall take any action to conform its mailing procedures to those appropriate for use under any ZIP code system using more than 5 digits. As used in this subsection, the term ‘Executive agency’ has the same meaning given such term by section 105 of title 5, United States Code.”

§ 404. Specific powers

(a) Without limitation of the generality of its powers, the Postal Service shall have the following specific powers, among others:

(1) to provide for the collection, handling, transportation, delivery, forwarding, returning, and holding of mail, and for the disposition of undeliverable mail;

(2) to prescribe, in accordance with this title, the amount of postage and the manner in which it is to be paid;

(3) to determine the need for post offices, postal and training facilities and equipment, and to provide such offices, facilities, and equipment as it determines are needed;

(4) to provide and sell postage stamps and other stamped paper, cards, and envelopes and to provide such other evidences of payment of postage and fees as may be necessary or desirable;

(5) to provide philatelic services;

(6) to provide, establish, change, or abolish special nonpostal or similar services;

(7) to investigate postal offenses and civil matters relating to the Postal Service;

(8) to offer and pay rewards for information and services in connection with violation of the postal laws, and, unless a different disposal is expressly prescribed, to pay one-half of all penalties and forfeitures imposed for violations of law affecting the Postal Service, its revenues, or property, to the person informing for the same, and to pay the other one-half into the Postal Service Fund; and

(9) to authorize the issuance of a substitute check for a lost, stolen, or destroyed check of the Postal Service.

(b)(1) The Postal Service, prior to making a determination under subsection (a)(3) of this section as to the necessity for the closing or consolidation of any post office, shall provide adequate notice of its intention to close or consolidate such post office at least 60 days prior to the proposed date of such closing or consolidation to persons served by such post office to ensure that such persons will have an opportunity to present their views.

(2) The Postal Service, in making a determination whether or not to close or consolidate a post office—

(A) shall consider—

(i) the effect of such closing or consolidation on the community served by such post office;

(ii) the effect of such closing or consolidation on employees of the Postal Service employed at such office;

(iii) whether such closing or consolidation is consistent with the policy of the Government, as stated in section 101(b) of this title, that the Postal Service shall provide a maximum degree of effective and regular postal services to rural areas, communities, and small towns where post offices are not self-sustaining;

(iv) the economic savings to the Postal Service resulting from such closing or consolidation; and

(v) such other factors as the Postal Service determines are necessary; and

(B) may not consider compliance with any provision of the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.).

(3) Any determination of the Postal Service to close or consolidate a post office shall be in writing and shall include the findings of the Postal Service with respect to the considerations required to be made under paragraph (2) of this subsection. Such determination and findings shall be made available to persons served by such post office.

(4) The Postal Service shall take no action to close or consolidate a post office until 60 days after its written determination is made available to persons served by such post office.

(5) A determination of the Postal Service to close or consolidate any post office may be appealed by any person served by such office to the Postal Rate Commission within 30 days after such determination is made available to such person under paragraph (3). The Commission shall review such determination on the basis of the record before the Postal Service in the making of such determination. The Commission shall make a determination based upon such review no later than 120 days after receiving any appeal under this paragraph. The Commission shall set aside any determination, findings, and conclusions found to be—

(A) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with the law;

(B) without observance of procedure required by law; or

(C) unsupported by substantial evidence on the record.

The Commission may affirm the determination of the Postal Service or order that the entire matter be returned for further consideration, but the Commission may not modify the determination of the Postal Service. The Commission may suspend the effectiveness of the determination of the Postal Service until the final disposition of the appeal. The provisions of section 556, section 557, and chapter 7 of title 5 shall not apply to any review carried out by the Commission under this paragraph.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 724; Pub. L. 94-421, §9(a), Sept. 24, 1976, 90 Stat. 1310; Pub. L. 105-241, §3, Sept. 28, 1998, 112 Stat. 1572.)

REFERENCES IN TEXT

The Occupational Safety and Health Act of 1970, referred to in subsec. (b)(2)(B), is Pub. L. 91-596, Dec. 29, 1970, 84 Stat. 1590, as amended, which is classified principally to chapter 15 (§651 et seq.) of Title 29, Labor. For complete classification of this Act to the Code, see Short Title note set out under section 651 of Title 29 and Tables.

AMENDMENTS

1998—Subsec. (b)(2). Pub. L. 105-241 amended par. (2) generally. Prior to amendment, par. (2) read as follows: “The Postal Service, in making a determination whether or not to close or consolidate a post office, shall consider—

“(A) the effect of such closing or consolidation on the community served by such post office;

“(B) the effect of such closing or consolidation on employees of the Postal Service employed at such office;

“(C) whether such closing or consolidation is consistent with the policy of the Government, as stated in section 101(b) of this title, that the Postal Service shall provide a maximum degree of effective and regular postal services to rural areas, communities, and small towns where post offices are not self-sustaining;

“(D) the economic savings to the Postal Service resulting from such closing or consolidation; and

“(E) such other factors as the Postal Service determines are necessary.”

1976—Pub. L. 94-421 designated existing provisions as subsec. (a) and added subsec. (b).

EFFECTIVE DATE OF 1976 AMENDMENT

Section 9(b) of Pub. L. 94-421 provided that: “The amendments made by subsection (a) of this section [amending this section] shall take effect on the day after the date on which the Commission on Postal Service transmits its final report under section 7(f)(1) of this Act [set out as a note under section 3661 of this title].”

EFFECTIVE DATE

Pars. (1), (3) to (9) of subsec. (a) of this section effective July 1, 1971, pursuant to Resolution No. 71-9 of the Board of Governors and par. (2) of subsec. (a) effective Jan. 20, 1971, pursuant to Resolution No. 71-10 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as a note preceding section 101 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 42 section 10601.

§ 405. Printing of illustrations of United States postage stamps

(a) When requested by the Postal Service, the Public Printer shall print, as a public document for sale by the Superintendent of Documents, illustrations in black and white or in color of postage stamps of the United States, together with such descriptive, historical, and philatelic information with regard to the stamps as the Postal Service deems suitable.

(b) Notwithstanding the provisions of section 505 of title 44, stereotype or electrotypes plates, or duplicates thereof, used in the publications authorized to be printed by this section may not be sold or otherwise disposed of.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 724.)

EFFECTIVE DATE

Section effective July 1, 1971, pursuant to Resolution No. 71-9 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as a note preceding section 101 of this title.

§ 406. Postal services at Armed Forces installations

(a) The Postal Service may establish branch post offices at camps, posts, bases, or stations of the Armed Forces and at defense or other strategic installations.

(b) The Secretaries of Defense and Transportation shall make arrangements with the Postal Service to perform postal services through personnel designated by them at or through branch post offices established under subsection (a) of this section.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 724.)

EFFECTIVE DATE

Section effective July 1, 1971, pursuant to Resolution No. 71-9 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as a note preceding section 101 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 403, 413, 3401, 3406 of this title.

§ 407. International Postal Arrangements¹

(a)(1) The Secretary of State shall have primary responsibility for formulation, coordination and oversight of policy with respect to United States participation in the Universal Postal Union, including the Universal Postal Convention and other Acts of the Universal Postal Union, amendments thereto, and all postal treaties and conventions concluded within the framework of the Convention and such Acts.

(2) Subject to subsection (d), the Secretary may, with the consent of the President, negotiate and conclude treaties, conventions and amendments referred to in paragraph (1).

(b)(1) Subject to subsections (a), (c), and (d), the Postal Service may, with the consent of the President, negotiate and conclude postal treaties and conventions.

(2) The Postal Service may, with the consent of the President, establish rates of postage or other charges on mail matter conveyed between the United States and other countries.

(3) The Postal Service shall transmit a copy of each postal treaty or convention concluded with other governments under the authority of this subsection to the Secretary of State, who shall furnish a copy to the Public Printer for publication.

(c) The Postal Service shall not conclude any treaty or convention under the authority of this section or any other arrangement related to the delivery of international postal services that is inconsistent with any policy developed pursuant to subsection (a).

(d) In carrying out their responsibilities under this section, the Secretary and the Postal Service shall consult with such federal² agencies as the Secretary or the Postal Service considers appropriate, private providers of international postal services, users of international postal services, the general public, and such other per-

sons as the Secretary or the Postal Service considers appropriate.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 724; Pub. L. 105-277, div. A, § 101(h) [title VI, § 633(a)], Oct. 21, 1998, 112 Stat. 2681-480, 2681-523.)

AMENDMENTS

1998—Pub. L. 105-277 substituted “International Postal Arrangements” for “International postal arrangements” in section catchline and amended text generally. Prior to amendment, text read as follows:

“(a) The Postal Service, with the consent of the President, may negotiate and conclude postal treaties or conventions, and may establish the rates of postage or other charges on mail matter conveyed between the United States and other countries. The decisions of the Postal Service construing or interpreting the provisions of any treaty or convention which has been or may be negotiated and concluded shall, if approved by the President, be conclusive upon all officers of the Government of the United States.

“(b) The Postal Service shall transmit a copy of each postal convention concluded with other governments to the Secretary of State, who shall furnish a copy of the same to the Public Printer for publication.”

EFFECTIVE DATE

Section effective July 1, 1971, pursuant to Resolution No. 71-9 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as a note preceding section 101 of this title.

TRANSFER OF FUNDS TO STATE DEPARTMENT

Pub. L. 105-277, § 101(h) [title VI, § 633(d)], Oct. 21, 1998, 112 Stat. 2681-480, 2681-524, provided that: “In fiscal year 1999 and each fiscal year hereafter, the Postal Service shall allocate to the Department of State from any funds available to the Postal Service such sums as may be reasonable, documented and auditable for the Department of State to carry out the activities of Section 407 of title 39 of the United States Code.”

§ 408. International money-order exchanges

The Postal Service may make arrangements with other governments, with which postal conventions are or may be concluded, for the exchange of sums of money by means of postal orders. It shall fix limitations on the amount which may be so exchanged and the rates of exchange.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 725.)

EFFECTIVE DATE

Section effective July 1, 1971, pursuant to Resolution No. 71-9 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as a note preceding section 101 of this title.

§ 409. Suits by and against the Postal Service

(a) Except as provided in section 3628 of this title, the United States district courts shall have original but not exclusive jurisdiction over all actions brought by or against the Postal Service. Any action brought in a State court to which the Postal Service is a party may be removed to the appropriate United States district court under the provisions of chapter 89 of title 28.

(b) Unless otherwise provided in this title, the provisions of title 28 relating to service of process, venue, and limitations of time for bringing action in suits in which the United States, its officers, or employees are parties, and the rules

¹ So in original. “Postal Arrangements” probably should not be capitalized.

² So in original. Probably should be capitalized.

of procedure adopted under title 28 for suits in which the United States, its officers, or employees are parties, shall apply in like manner to suits in which the Postal Service, its officers, or employees are parties.

(c) The provisions of chapter 171 and all other provisions of title 28 relating to tort claims shall apply to tort claims arising out of activities of the Postal Service.

(d) The Department of Justice shall furnish, under section 411 of this title, the Postal Service such legal representation as it may require, but with the prior consent of the Attorney General the Postal Service may employ attorneys by contract or otherwise to conduct litigation brought by or against the Postal Service or its officers or employees in matters affecting the Postal Service.

(e) A judgment against the Government of the United States arising out of activities of the Postal Service shall be paid by the Postal Service out of any funds available to the Postal Service.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 725; Pub. L. 97-258, §2(k), Sept. 13, 1982, 96 Stat. 1062.)

HISTORICAL AND REVISION NOTES 1982 ACT

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
409(e)	31:724a (last sentence).	July 27, 1956, ch. 748, 70 Stat. 678, §1302 (last sentence); added Aug. 12, 1970, Pub. L. 91-375, §6(l)(3), 84 Stat. 782.

The words “Notwithstanding the other provisions of this section” are omitted as unnecessary.

AMENDMENTS

1982—Subsec. (e). Pub. L. 97-258 added subsec. (e).

EFFECTIVE DATE

Section effective July 1, 1971, pursuant to Resolution No. 71-9 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as a note preceding section 101 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3007, 3012 of this title.

§ 410. Application of other laws

(a) Except as provided by subsection (b) of this section, and except as otherwise provided in this title or insofar as such laws remain in force as rules or regulations of the Postal Service, no Federal law dealing with public or Federal contracts, property, works, officers, employees, budgets, or funds, including the provisions of chapters 5 and 7 of title 5, shall apply to the exercise of the powers of the Postal Service.

(b) The following provisions shall apply to the Postal Service:

(1) section 552 (public information), section 552a (records about individuals), section 552b (open meetings), section 3102 (employment of personal assistants for blind, deaf, or otherwise handicapped employees), section 3110 (restrictions on employment of relatives), section 3333 and chapters 72 (antidiscrimination; right to petition Congress) and 73 (suitability, security, and conduct of employees), section 5520

(withholding city income or employment taxes), and section 5532¹ (dual pay) of title 5, except that no regulation issued under such chapters or section shall apply to the Postal Service unless expressly made applicable;

(2) all provisions of title 18 dealing with the Postal Service, the mails, and officers or employees of the Government of the United States;

(3) section 107 of title 20 (known as the Randolph-Sheppard Act, relating to vending machines operated by the blind);

(4) the following provisions of title 40:

(A) sections 258a-258e¹ (relating to condemnation proceedings);

(B) sections 270a-270e (known as the Miller Act, relating to performance bonds);

(C) sections 276a-276a-7 (known as the Davis-Bacon Act, relating to prevailing wages);

(D) section 276c (relating to wage payments of certain contractors);

(E) chapter 5 (the Contract Work Hours Standards Act); and

(F) chapter 15 (the Government Losses in Shipment Act);

(5) the following provisions of title 41:

(A) sections 35-45 (known as the Walsh-Healey Act, relating to wages and hours); and

(B) chapter 6 (the Service Contract Act of 1965);

(6) sections 2000d, 2000d-1-2000d-4 of title 42 (title VI, the Civil Rights Act of 1964);

(7) section 19 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 668);

(8) the provisions of the Act of August 12, 1968 (42 U.S.C. 4151-4156);

(9) chapter 39 of title 31;

(10) the Inspector General Act of 1978; and

(11) section 5520a of title 5.

(c) Subsection (b)(1) of this section shall not require the disclosure of—

(1) the name or address, past or present, of any postal patron;

(2) information of a commercial nature, including trade secrets, whether or not obtained from a person outside the Postal Service, which under good business practice would not be publicly disclosed;

(3) information prepared for use in connection with the negotiation of collective-bargaining agreements under chapter 12 of this title or minutes of, or notes kept during, negotiating sessions conducted under such chapter;

(4) information prepared for use in connection with proceedings under chapter 36 of this title;

(5) the reports and memoranda of consultants or independent contractors except to the extent that they would be required to be disclosed if prepared within the Postal Service; and

(6) investigatory files, whether or not considered closed, compiled for law enforcement purposes except to the extent available by law to a party other than the Postal Service.

(d)(1) A lease agreement by the Postal Service for rent of net interior space in excess of 6,500

¹ See References in Text note below.

square feet in any building or facility, or part of a building or facility, to be occupied for purposes of the Postal Service shall include a provision that all laborers and mechanics employed in the construction, modification, alteration, repair, painting, decoration, or other improvement of the building or space covered by the agreement, or improvement at the site of such building or facility, shall be paid wages at not less than those prevailing for similar work in the locality as determined by the Secretary of Labor under section 276a of title 40.

(2) The authority and functions of the Secretary of Labor with respect to labor standards enforcement under Reorganization Plan numbered 14 of 1950 (title 5, appendix), and regulations for contractors and subcontractors under section 276c of title 40, shall apply to the work under paragraph (1) of this subsection.

(3) Paragraph (2) of this subsection shall not be construed to give the Secretary of Labor authority to direct the cancellation of the lease agreement referred to in paragraph (1) of this subsection.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 725; Pub. L. 91-656, §8(a), Jan. 8, 1971, 84 Stat. 1955; Pub. L. 93-340, §2, July 10, 1974, 88 Stat. 294; Pub. L. 94-82, title I, §101, Aug. 9, 1975, 89 Stat. 419; Pub. L. 94-409, §5(a), Sept. 13, 1976, 90 Stat. 1247; Pub. L. 94-541, title II, §203, Oct. 18, 1976, 90 Stat. 2508; Pub. L. 95-454, title III, §302(c), title VII, §703(c)(4), Oct. 13, 1978, 92 Stat. 1146, 1217; Pub. L. 96-523, §1(c)(2), Dec. 12, 1980, 94 Stat. 3040; Pub. L. 100-496, §2(c)(2), Oct. 17, 1988, 102 Stat. 2456; Pub. L. 100-504, title I, §104(b), Oct. 18, 1988, 102 Stat. 2525; Pub. L. 103-82, title II, §202(g)(6), Sept. 21, 1993, 107 Stat. 890; Pub. L. 103-94, §9(b)(2), Oct. 6, 1993, 107 Stat. 1010; Pub. L. 103-123, title VII, §708(a), Oct. 28, 1993, 107 Stat. 1272; Pub. L. 104-208, div. A, title I, §101(f) [title VI, §662(f)(1)], Sept. 30, 1996, 110 Stat. 3009-314, 3009-382.)

REFERENCES IN TEXT

Section 5532 of title 5, referred to in subsec. (b)(1), was repealed by Pub. L. 106-65, div. A, title VI, §651(a)(1), Oct. 5, 1999, 113 Stat. 664.

Section 107 of title 20, known as the Randolph-Sheppard Act, referred to in subsec. (b)(3), is section 1 of act June 20, 1936, ch. 638, 49 Stat. 1559, as amended. The act of June 20, 1936, popularly known as the Randolph-Sheppard Act and also as the Randolph-Sheppard Vending Stand Act, is classified generally to chapter 6A (§107 et seq.) of Title 20, Education. For complete classification of this Act to the Code, see Short Title note set out under section 107 of Title 20 and Tables.

Sections 258a-258e of title 40, referred to in subsec. (b)(4)(A), are based on act Feb. 26, 1931, ch. 307, 46 Stat. 1421, as amended, known as the "Declaration of Taking Act", which is classified to section 258a et seq. of Title 40, Public Buildings, Property, and Works. Pub. L. 99-656, §1(2), Nov. 14, 1986, 100 Stat. 3668, amended act Feb. 26, 1931 by adding section 6, which is classified to section 258e-1 of Title 40.

Sections 270a-270e, known as the Miller Act, referred to in subsec. (b)(4)(B), is act Aug. 24, 1935, ch. 642, 49 Stat. 793, as amended, known as the Miller Act, which is classified generally to sections 270a to 270d-1 of Title 40. For complete classification of this Act to the Code, see Short Title note set out under section 270a of Title 40 and Tables.

Sections 276a-276a-7, known as the Davis-Bacon Act, referred to in subsec. (b)(4)(C), is act Mar. 3, 1931, ch. 411, 46 Stat. 1494, as amended, popularly known as the Davis-Bacon Act, which is classified generally to sec-

tions 276a to 276a-5 of Title 40. For complete classification of this Act to the Code, see Short Title note set out under section 276a of Title 40 and Tables.

Chapter 5 (the Contract Work Hours Standards Act), referred to in subsec. (b)(4)(E), probably means title I of Pub. L. 87-581, Aug. 13, 1962, 76 Stat. 357, as amended, which is classified generally to subchapter II (§327 et seq.) of chapter 5 of Title 40, and was redesignated the Contract Work Hours and Safety Standards Act by section 2 of Pub. L. 91-54, Aug. 9, 1969, 83 Stat. 98. For complete classification of this Act to the Code, see Short Title note set out under section 327 of Title 40 and Tables.

Chapter 15 (the Government Losses in Shipment Act), referred to in subsec. (b)(4)(F), probably means act July 8, 1937, ch. 444, 50 Stat. 479, as amended, known as the Government Losses in Shipment Act, which is classified principally to chapter 15 (§721 et seq.) of Title 40. For complete classification of this Act to the Code, see Short Title note set out under section 721 of Title 40 and Tables.

The Walsh-Healey Act, referred to in subsec. (b)(5)(A), is act June 30, 1936, ch. 881, 49 Stat. 2036, as amended, which is classified generally to sections 35 to 45 of Title 41, Public Contracts. For complete classification of this Act to the Code, see Short Title note set out under section 35 of Title 41 and Tables. See also section 262 of Title 29, Labor.

The Service Contract Act of 1965, referred to in subsec. (b)(5)(B), is Pub. L. 89-286, Oct. 22, 1965, 79 Stat. 1034, as amended, which is classified generally to chapter 6 (§351 et seq.) of Title 41. For complete classification of this Act to the Code, see Short Title note set out under section 351 of Title 41 and Tables.

The Civil Rights Act of 1964, referred to in subsec. (b)(6), is Pub. L. 88-352, July 2, 1964, 78 Stat. 241, as amended. Title VI of the Civil Rights Act of 1964 is classified generally to subchapter V (§2000d et seq.) of chapter 21 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 2000a of Title 42 and Tables.

Section 19 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 668), referred to in subsec. (b)(7), is section 19 of Pub. L. 91-596, Dec. 29, 1970, 84 Stat. 1609, which enacted section 668 of Title 29, Labor, and amended section 7902 of Title 5, Government Organization and Employees.

The provisions of the Act of August 12, 1968 (42 U.S.C. 4151-4156), referred to in subsec. (b)(8), probably means Pub. L. 90-480, Aug. 12, 1968, 82 Stat. 718, as amended, popularly known as the Architectural Barriers Act of 1968, which is classified generally to chapter 51 (§4151 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 4151 of Title 42 and Tables.

The Inspector General Act of 1978, referred to in subsec. (b)(10), is Pub. L. 95-452, Oct. 12, 1978, 92 Stat. 1101, as amended, which is set out in the Appendix to Title 5, Government Organization and Employees.

Reorganization Plan numbered 14 of 1950 (title 5, appendix), referred to in subsec. (d)(2), is Reorg. Plan No. 14 of 1950, eff. May 24, 1950, 15 F.R. 3176, 64 Stat. 1267, which is set out in the Appendix to Title 5.

AMENDMENTS

1996—Subsec. (b)(9). Pub. L. 104-208, §101(f) [title VI, §662(f)(1)(A)], struck out "and" at end.

Subsec. (b)(10). Pub. L. 104-208, §101(f) [title VI, §662(f)(1)(B)], substituted "(10) the Inspector General Act of 1978; and" for "the provisions of section 8F of the Inspector General Act of 1978."

1993—Subsec. (b)(8). Pub. L. 103-82, §202(g)(6)(A), and Pub. L. 103-123, §708(a)(1), amended par. (8) identically, striking out "and" at end.

Subsec. (b)(9). Pub. L. 103-123, §708(a)(2), substituted "chapter" for "Chapter" in par. (9) relating to title 31.

Pub. L. 103-82, §202(g)(6)(B), and Pub. L. 103-123, §708(a)(2), amended par. (9), relating to title 31, identically, substituting "and" for period at end.

Pub. L. 103-94, §9(b)(2)(A), and Pub. L. 103-123, §708(a)(3), which directed the identical amendment of subsec. (b) by redesignating par. (9), providing for applicability to Postal Service of provisions of section 8E of Inspector General Act of 1978, as (10), could not be executed because Pub. L. 103-82, §202(g)(6)(C), struck out such par. See below.

Pub. L. 103-82, §202(g)(6)(C), struck out second par. (9) which provided for applicability to Postal Service of the provisions of section 8E of Inspector General Act of 1978.

Subsec. (b)(10). Pub. L. 103-94, §9(b)(2)(A), and Pub. L. 103-123, §708(a)(3), which directed the identical amendment of subsec. (b) by redesignating par. (9), providing for applicability to Postal Service of provisions of section 8E of Inspector General Act of 1978, as (10), could not be executed because Pub. L. 103-82, §202(g)(6)(C), struck out such par. See above.

Pub. L. 103-82, §202(g)(6)(C), added par. (10).

Subsec. (b)(11). Pub. L. 103-94, §9(b)(2)(B), added par. (11).

1988—Subsec. (b)(6) to (8). Pub. L. 100-504, §104(b)(1)-(4), struck out “and” after semicolon in par. (6), substituted semicolon for period in par. (7), and substituted “the provisions” for “The provisions” and “; and” for period in par. (8).

Subsec. (b)(9). Pub. L. 100-504, §104(b)(5), added par. (9) relating to section 8E of Inspector General Act.

Pub. L. 100-496 added par. (9) relating to chapter 39 of title 31.

1980—Subsec. (b)(1). Pub. L. 96-523 substituted “section 3102 (employment of personal assistants for blind, deaf, or otherwise handicapped)” for “3102 (employment of reading assistants for blind employees and interpreting assistants for deaf”.

1978—Subsec. (b)(1). Pub. L. 95-454 inserted provisions relating to reading and interpreting assistants, and substituted provisions respecting applicability of chapter 72 of title 5, for provisions respecting applicability of chapter 71 of title 5.

1976—Subsec. (b)(1). Pub. L. 94-409 inserted references to sections 552a and 552b of title 5.

Subsec. (b)(8). Pub. L. 94-541 added par. (8).

1975—Subsec. (b)(7). Pub. L. 94-82 added par. (7).

1974—Subsec. (b)(1). Pub. L. 93-340 inserted “section 5520 (withholding city income or employment taxes),” before “and section 5532 (dual pay)”.

1971—Subsec. (b)(1). Pub. L. 91-656 inserted “section 3110 (restrictions on employment of relatives),” before “section 3333” and substituted “no regulation” for “not regulation”.

EFFECTIVE DATE OF 1993 AMENDMENTS; SAVINGS PROVISION

Amendment by Pub. L. 103-94 effective 120 days after Oct. 6, 1993, but not to release or extinguish any penalty, forfeiture, or liability incurred under amended provision, which is to be treated as remaining in force for purpose of sustaining any proper proceeding or action for enforcement of that penalty, forfeiture, or liability, and no provision of Pub. L. 103-94 to affect any proceedings with respect to which charges were filed on or before 120 days after Oct. 6, 1993, with orders to be issued in such proceedings and appeals taken therefrom as if Pub. L. 103-94 had not been enacted, see section 12 of Pub. L. 103-94, set out as an Effective Date; Savings Provision note under section 7321 of Title 5, Government Organization and Employees.

Amendment by Pub. L. 103-82 effective Oct. 1, 1993, see section 202(i) of Pub. L. 103-82, set out as an Effective Date note under section 12651 of Title 42, The Public Health and Welfare.

EFFECTIVE DATE OF 1988 AMENDMENTS

Amendment by Pub. L. 100-504 effective 180 days after Oct. 18, 1988, see section 113 of Pub. L. 100-504, set out as a note under section 5 of Pub. L. 95-452 (Inspector General Act of 1978) in the Appendix to Title 5, Government Organization and Employees.

Amendment by Pub. L. 100-496 applicable with respect to all obligations incurred on or after Jan. 1, 1989, see section 14(c) of Pub. L. 100-496, set out as a note under section 3902 of Title 31, Money and Finance.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-523 effective sixty days after Dec. 12, 1980, see section 3 of Pub. L. 96-523, set out as a note under section 3102 of Title 5, Government Organization and Employees.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-454 effective 90 days after Oct. 13, 1978, see section 907 of Pub. L. 95-454, set out as a note under section 1101 of Title 5, Government Organization and Employees.

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94-409 effective 180 days after Sept. 13, 1976, see section 6 of Pub. L. 94-409, set out as an Effective Date note under section 552b of Title 5, Government Organization and Employees.

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93-340 effective on 90th day following July 10, 1974, see section 3 of Pub. L. 93-340, set out as an Effective Date note under section 5520 of Title 5, Government Organization and Employees.

EFFECTIVE DATE OF 1971 AMENDMENT

Section 8(b) of Pub. L. 91-656 provided that: “The provisions of this section [amending this section] shall become effective on the effective date prescribed under section 15(a) of the Postal Reorganization Act [set out as an Effective Date note preceding section 101 of this title] for section 410 of title 39, United States Code, as enacted by that Act.”

EFFECTIVE DATE

Subsecs. (a), (b)(2) to (6), and (c)(1) to (3), (5), (6) of this section effective Apr. 13, 1971, pursuant to Resolution No. 71-14 of the Board of Governors, subsecs. (b)(1), relating to section 552 of Title 5, Government Organization and Employees, and (c)(4) effective Jan. 20, 1971 pursuant to Resolution No. 71-10 of the Board of Governors, and subsec. (d) effective July 1, 1971, pursuant to Resolution No. 71-9 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as a note preceding section 101 of this title.

APPLICABILITY OF HATCH ACT REFORM AMENDMENTS OF 1993 TO POSTAL EMPLOYEES

Section 7 of Pub. L. 103-94 provided that: “The amendments made by this Act [enacting sections 5520a and 7321 to 7326 of Title 5, Government Organization and Employees, and section 610 of Title 18, Crimes and Criminal Procedure, amending this section, sections 1216, 2302, 3302, and 3303 of Title 5, sections 602 and 603 of Title 18, and sections 1973d and 9904 of Title 42, The Public Health and Welfare, and omitting former sections 7321 to 7328 of Title 5] (except for the amendments made by section 8 [amending sections 2302 and 3303 of Title 5]), and any regulations thereunder, shall apply with respect to employees of the United States Postal Service and the Postal Rate Commission, pursuant to sections 410(b) and 3604(e) of title 39, United States Code.”

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2803, 3604 of this title; title 31 section 1344.

§ 411. Cooperation with other Government agencies

Executive agencies within the meaning of section 105 of title 5 and the Government Printing Office are authorized to furnish property, both

real and personal, and personal and nonpersonal services to the Postal Service, and the Postal Service is authorized to furnish property and services to them. The furnishing of property and services under this section shall be under such terms and conditions, including reimbursability, as the Postal Service and the head of the agency concerned shall deem appropriate.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 726.)

EFFECTIVE DATE

Section effective July 1, 1971, pursuant to Resolution No. 71-9 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as a note preceding section 101 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 403, 409 of this title.

§ 412. Nondisclosure of lists of names and addresses

(a) Except as specifically provided by subsection (b) or other law, no officer or employee of the Postal Service shall make available to the public by any means or for any purpose any mailing or other list of names or addresses (past or present) of postal patrons or other persons.

(b) The Postal Service shall provide to the Secretary of Commerce for use by the Bureau of the Census such address information, address-related information, and point of postal delivery information, including postal delivery codes, as may be determined by the Secretary to be appropriate for any census or survey being conducted by the Bureau of the Census. The provision of such information under this subsection shall be in accordance with such mutually agreeable terms and conditions, including reimbursability, as the Postal Service and the Secretary of Commerce shall deem appropriate.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 727; Pub. L. 103-430, § 4, Oct. 31, 1994, 108 Stat. 4394.)

AMENDMENTS

1994—Pub. L. 103-430 substituted “(a) Except as specifically provided by subsection (b) or other law,” for “Except as specifically provided by law,” and added subsec. (b).

EFFECTIVE DATE

Section effective July 1, 1971, pursuant to Resolution No. 71-9 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as a note preceding section 101 of this title.

§ 413. Postal services at diplomatic posts

(a) The Postal Service and the Department of State may enter into 1 or more agreements for field testing to ascertain the feasibility of providing postal services through personnel provided by the Department of State at branch post offices established by the Postal Service in United States diplomatic missions at locations abroad for which branch post offices are not established under section 406.

(b) To the extent that the Postal Service and the Department of State conclude it to be feasible and in the public interest, the Postal Service may establish branch post offices at United States diplomatic missions in locations abroad

for which branch post offices are not established under section 406, and the Department of State may enter into an agreement with the Postal Service to perform postal services at such branch post offices through personnel designated by the Department of State.

(c) The Department of State shall reimburse the Postal Service for any amounts, determined by the Postal Service, equal to the additional costs incurred by the Postal Service, including transportation costs, incurred by the Postal Service in the performance of its obligations under any agreement entered into under this section.

(d) Each agreement entered into under this section shall include—

(1) provisions under which the Department of State shall make any reimbursements required under subsection (c);

(2) provisions authorizing the Postal Service to terminate the agreement, and the services provided thereunder, in the event that the Department of State does not comply with the provisions under paragraph (1); and

(3) any other provisions which may be necessary, including provisions relating to the closing of a post office under this section if necessary because a post office under section 406 is established in the same location.

(Added Pub. L. 101-524, § 5(a), Nov. 6, 1990, 104 Stat. 2303.)

§ 414. Special postage stamps

(a) In order to afford the public a convenient way to contribute to funding for breast cancer research, the Postal Service shall establish a special rate of postage for first-class mail under this section.

(b) The rate of postage established under this section—

(1) shall be equal to the regular first-class rate of postage, plus a differential of not less than 15 percent;

(2) shall be set by the Governors in accordance with such procedures as the Governors shall by regulation prescribe (in lieu of the procedures under chapter 36); and

(3) shall be offered as an alternative to the regular first-class rate of postage.

The use of the special rate of postage established under this section shall be voluntary on the part of postal patrons. The special rate of postage of an individual stamp under this section shall be an amount that is evenly divisible by 5.

(c)(1) Of the amounts becoming available for breast cancer research pursuant to this section, the Postal Service shall pay—

(A) 70 percent to the National Institutes of Health; and

(B) the remainder to the Department of Defense.

Payments under this paragraph to an agency shall be made under such arrangements as the Postal Service shall by mutual agreement with such agency establish in order to carry out the purposes of this section, except that, under those arrangements, payments to such agency shall be made at least twice a year.

(2) For purposes of this section, the term “amounts becoming available for breast cancer research pursuant to this section” means—

(A) the total amounts received by the Postal Service that it would not have received but for the enactment of this section, reduced by

(B) an amount sufficient to cover reasonable costs incurred by the Postal Service in carrying out this section, including those attributable to the printing, sale, and distribution of stamps under this section,

as determined by the Postal Service under regulations that it shall prescribe.

(d) It is the sense of the Congress that nothing in this section should—

(1) directly or indirectly cause a net decrease in total funds received by the National Institutes of Health, the Department of Defense, or any other agency of the Government (or any component or program thereof) below the level that would otherwise have been received but for the enactment of this section; or

(2) affect regular first-class rates of postage or any other regular rates of postage.

(e) Special postage stamps under this section shall be made available to the public beginning on such date as the Postal Service shall by regulation prescribe, but in no event later than 12 months after the date of the enactment of this section.

(f) The Postmaster General shall include in each report rendered under section 2402 with respect to any period during any portion of which this section is in effect information concerning the operation of this section, except that, at a minimum, each shall include—

(1) the total amount described in subsection (c)(2)(A) which was received by the Postal Service during the period covered by such report; and

(2) of the amount under paragraph (1), how much (in the aggregate and by category) was required for the purposes described in subsection (c)(2)(B).

(g) For purposes of section 416 (including any regulation prescribed under subsection (e)(1)(C) of that section), the special postage stamp issued under this section shall not apply to any limitation relating to whether more than 1 semipostal may be offered for sale at the same time.

(h) This section shall cease to be effective after December 31, 2003.

(Added Pub. L. 105-41, §2(a), Aug. 13, 1997, 111 Stat. 1119; amended Pub. L. 106-253, §3(a), July 28, 2000, 114 Stat. 636; Pub. L. 107-67, title VI, §650(b)(1), (c), Nov. 12, 2001, 115 Stat. 556, 557.)

REFERENCES IN TEXT

The date of the enactment of this section, referred to in subsec. (e), is the date of enactment of Pub. L. 105-41, which was approved Aug. 13, 1997.

AMENDMENTS

2001—Subsec. (b). Pub. L. 107-67, §650(c), substituted “of not less than 15 percent” for “of not to exceed 25 percent” in par. (1) and inserted at end of concluding provisions “The special rate of postage of an individual stamp under this section shall be an amount that is evenly divisible by 5.”

Subsec. (g), (h). Pub. L. 107-67, §650(b)(1), added subsecs. (g) and (h) and struck out former subsec. (g) which read as follows: “This section shall cease to be effective after July 29, 2002, or the end of the 2-year period beginning on the date of the enactment of the Semipostal Authorization Act, whichever is later.”

2000—Subsec. (g). Pub. L. 106-253 amended subsec. (g) generally. Prior to amendment, subsec. (g) read as follows: “This section shall cease to be effective at the end of the 2-year period beginning on the date on which special postage stamps under this section are first made available to the public.”

EFFECTIVE DATE OF 2001 AMENDMENT

Pub. L. 107-67, title VI, §650(b)(2), Nov. 12, 2001, 115 Stat. 557, provided that: “The amendment made by this subsection [amending this section] shall take effect on the earlier of—

“(A) the date of enactment of this Act [Nov. 12, 2001]; or

“(B) July 29, 2002.”

REPORT BY COMPTROLLER GENERAL OF UNITED STATES

Pub. L. 106-253, §3(b), July 28, 2000, 114 Stat. 637, provided that: “No later than 3 months and no earlier than 6 months before the date as of which section 414 of title 39, United States Code (as amended by this section) is scheduled to expire, the Comptroller General of the United States shall submit to the Congress a report on the operation of such section. Such report shall be in addition to the report required by section 2(b) of Public Law 105-41 [set out below], and shall address at least the same matters as were required to be included in that earlier report.”

Section 2(b) of Pub. L. 105-41 provided that: “No later than 3 months (but no earlier than 6 months) before the end of the 2-year period referred to in section 414(g) of title 39, United States Code (as amended by subsection (a)), the Comptroller General of the United States shall submit to the Congress a report on the operation of such section. Such report shall include—

“(1) an evaluation of the effectiveness and the appropriateness of the authority provided by such section as a means of fund-raising; and

“(2) a description of the monetary and other resources required of the Postal Service in carrying out such section.”

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 416 of this title.

§ 415. Prohibition on restriction or elimination of services

The Postal Service may not restrict, eliminate, or adversely affect any service provided by the Postal Service as a result of the payment of any penalty imposed under the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.).

(Added Pub. L. 105-241, §4(a), Sept. 28, 1998, 112 Stat. 1573.)

REFERENCES IN TEXT

The Occupational Safety and Health Act of 1970, referred to in text, is Pub. L. 91-596, Dec. 29, 1970, 84 Stat. 1590, as amended, which is classified principally to chapter 15 (§651 et seq.) of Title 29, Labor. For complete classification of this Act to the Code, see Short Title note set out under section 651 of Title 29 and Tables.

§ 416. Authority to issue semipostals

(a) DEFINITIONS.—For purposes of this section—

(1) the term “semipostal” means a postage stamp which is issued and sold by the Postal

Service, at a premium, in order to help provide funding for a cause described in subsection (b); and

(2) the term “agency” means an Executive agency within the meaning of section 105 of title 5.

(b) **DISCRETIONARY AUTHORITY.**—The Postal Service is hereby authorized to issue and sell semipostals under this section in order to advance such causes as the Postal Service considers to be in the national public interest and appropriate.

(c) **RATE OF POSTAGE.**—The rate of postage on a semipostal issued under this section shall be established by the Governors, in accordance with such procedures as they shall by regulation prescribe (in lieu of the procedures under chapter 36), except that—

(1) the rate established for a semipostal under this section shall be equal to the rate of postage that would otherwise regularly apply, plus a differential of not less than 15 percent; and

(2) no regular rates of postage or fees for postal services under chapter 36 shall be any different from what they otherwise would have been if this section had not been enacted.

The use of any semipostal issued under this section shall be voluntary on the part of postal patrons. The special rate of postage of an individual stamp under this section shall be an amount that is evenly divisible by 5.

(d) **AMOUNTS BECOMING AVAILABLE.**—

(1) **IN GENERAL.**—The amounts becoming available from the sale of a semipostal under this section shall be transferred to the appropriate agency or agencies under such arrangements as the Postal Service shall by mutual agreement with each such agency establish.

(2) **IDENTIFICATION OF APPROPRIATE CAUSES AND AGENCIES.**—Decisions concerning the identification of appropriate causes and agencies to receive amounts becoming available from the sale of a semipostal under this section shall be made in accordance with applicable regulations under subsection (e).

(3) **DETERMINATION OF AMOUNTS.**—

(A) **IN GENERAL.**—The amounts becoming available from the sale of a semipostal under this section shall be determined in a manner similar to that provided for under section 414(c)(2) (as in effect on July 1, 2000).

(B) **ADMINISTRATIVE COSTS.**—Regulations under subsection (e) shall specifically address how the costs incurred by the Postal Service in carrying out this section shall be computed, recovered, and kept to a minimum.

(4) **OTHER FUNDING NOT TO BE AFFECTED.**—Amounts which have or may become available from the sale of a semipostal under this section shall not be taken into account in any decision relating to the level of appropriations or other Federal funding to be furnished to an agency in any year.

(5) **RECOVERY OF COSTS.**—Before transferring to an agency in accordance with paragraph (1) any amounts becoming available from the sale of a semipostal over any period, the Postal Service shall ensure that it has recovered the

full costs incurred by the Postal Service in connection with such semipostal through the end of such period.

(e) **REGULATIONS.**—

(1) **IN GENERAL.**—Except as provided in subsection (c), the Postal Service shall prescribe any regulations necessary to carry out this section, including provisions relating to—

(A) which office or other authority within the Postal Service shall be responsible for making the decisions described in subsection (d)(2);

(B) what criteria and procedures shall be applied in making those decisions; and

(C) what limitations shall apply, if any, relating to the issuance of semipostals (such as whether more than one semipostal may be offered for sale at the same time).

(2) **NOTICE AND COMMENT.**—Before any regulation is issued under this section, a copy of the proposed regulation shall be published in the Federal Register, and an opportunity shall be provided for interested parties to present written and, where practicable, oral comment. All regulations necessary to carry out this section shall be issued not later than 30 days before the date on which semipostals are first made available to the public under this section.

(f) **ANNUAL REPORTS.**—

(1) **IN GENERAL.**—The Postmaster General shall include in each report rendered under section 2402, with respect to any period during any portion of which this section is in effect, information concerning the operation of any program established under this section.

(2) **SPECIFIC REQUIREMENT.**—If any semipostal ceases to be offered during the period covered by such a report, the information contained in that report shall also include—

(A) the commencement and termination dates for the sale of such semipostal;

(B) the total amount that became available from the sale of such semipostal; and

(C) of that total amount, how much was applied toward administrative costs.

For each year before the year in which a semipostal ceases to be offered, any report under this subsection shall include, with respect to that semipostal (for the year covered by such report), the information described in subparagraphs (B) and (C).

(g) **TERMINATION.**—This section shall cease to be effective at the end of the 10-year period beginning on the date on which semipostals are first made available to the public under this section.

(Added Pub. L. 106-253, §2(a), July 28, 2000, 114 Stat. 634; amended Pub. L. 107-67, title VI, §652(c)(1), Nov. 12, 2001, 115 Stat. 557; Pub. L. 107-117, div. B, §1201, Jan. 10, 2002, 115 Stat. 2335.)

AMENDMENTS

2002—Subsec. (c). Pub. L. 107-117 amended Pub. L. 107-67. See 2001 Amendment note below.

2001—Subsec. (c). Pub. L. 107-67, as amended by Pub. L. 107-117, substituted “of not less than 15 percent” for “of not to exceed 25 percent” in par. (1) and inserted at end of concluding provisions “The special rate of postage of an individual stamp under this section shall be an amount that is evenly divisible by 5.”

EFFECTIVE DATE

Pub. L. 106-253, §2(e), July 28, 2000, 114 Stat. 636, provided that: “The program under section 416 of title 39, United States Code (as amended by this section) shall be established within 6 months after the date of the enactment of this Act [July 28, 2000].”

THE 9/11 HEROES STAMP

Pub. L. 107-67, title VI, §652, Nov. 12, 2001, 115 Stat. 557, as amended by Pub. L. 107-117, div. B, §1201, Jan. 10, 2002, 115 Stat. 2335, provided that:

“(a) **SHORT TITLE.**—This section may be cited as the ‘9/11 Heroes Stamp Act of 2001’.

“(b) **IN GENERAL.**—In order to afford the public a direct and tangible way to provide assistance to the families of emergency relief personnel killed or permanently disabled in the line of duty in connection with the terrorist attacks against the United States on September 11, 2001, the United States Postal Service shall issue a semipostal in accordance with subsection (c).

“(c) **REQUIREMENTS.**—The provisions of section 416(a), (c), (d), and (f) of title 39, United States Code, shall apply as practicable with respect to the semipostal described in subsection (b), subject to the following:

“(1) **RATE OF POSTAGE.**—[Amended subsec. (c) of this section.]

“(2) **DISPOSITION OF AMOUNTS BECOMING AVAILABLE.**—All amounts becoming available from the sale of the semipostal (as determined under such section) shall be transferred to the Federal Emergency Management Agency under such arrangements as the Postal Service shall by mutual agreement with such agency establish in order to carry out the purposes of this section.

“(3) **COMMENCEMENT AND TERMINATION DATES.**—Stamps under this section shall be issued—

“(A) beginning on the earliest date practicable; and

“(B) for such period of time as the Postal Service considers necessary and appropriate, but in no event after December 31, 2004.

“(d) **LIMITATION.**—For purposes of section 416 of title 39, United States Code (including any regulation prescribed under subsection (e)(1)(C) of that section), the semipostal postage stamp issued under this section shall not apply to any limitation relating to whether more than one semipostal may be offered for sale at the same time.

“(e) **DESIGN.**—It is the sense of the Congress that the semipostal issued under this section should depict, by such design as the Postal Service considers to be most appropriate, the efforts of emergency relief personnel at the site of the World Trade Center in New York City and the Pentagon in Arlington, Virginia.

“(f) **DEFINITIONS.**—For purposes of this section—

“(1) the term ‘emergency relief personnel’ means firefighters, law enforcement officers, paramedics, emergency medical technicians, members of the clergy, and other individuals (including employees of legally organized and recognized volunteer organizations, whether compensated or not) who, in the course of professional duties, respond to fire, medical, hazardous material, or other similar emergencies; and

“(2) the term ‘semipostal’ has the meaning given such term by section 416 of title 39, United States Code.”

DOMESTIC VIOLENCE SEMIPOSTAL STAMP

Pub. L. 107-67, title VI, §653, Nov. 12, 2001, 115 Stat. 558, provided that:

“(a) **SHORT TITLE.**—This section may be cited as the ‘Stamp Out Domestic Violence Act of 2001’.

“(b) **IN GENERAL.**—In order to afford the public a direct and tangible way to contribute to funding for domestic violence programs, the United States Postal Service shall issue a semipostal in accordance with subsection (c).

“(c) **REQUIREMENTS.**—The provisions of section 416 of title 39, United States Code, shall apply as practicable

with respect to the semipostal described in subsection (b), subject to the following:

“(1) **DISPOSITION OF AMOUNTS BECOMING AVAILABLE.**—

All amounts becoming available from the sale of the semipostal (as determined under such section) shall be transferred to the Department of Health and Human Services under such arrangements as the Postal Service shall by mutual agreement with such agency establish in order to carry out the purposes of this section.

“(2) **COMMENCEMENT AND TERMINATION DATES.**—Stamps under this section shall be issued—

“(A) beginning on the earliest date practicable, but not later than January 1, 2004; and

“(B) for such period of time as the Postal Service considers necessary and appropriate, but in no event after December 31, 2006.

“(d) **LIMITATION.**—For purposes of section 416 of title 39, United States Code (including any regulation prescribed under subsection (e)(1)(C) of that section), the semipostal stamp issued under this section shall not apply to any limitation relating to whether more than one semipostal may be offered for sale at the same time.

“(e) **DEFINITION.**—For purposes of this section the term ‘semipostal’ has the meaning given such term by section 416 of title 39, United States Code.”

REPORTS BY AGENCIES

Pub. L. 106-253, §2(b), July 28, 2000, 114 Stat. 636, provided that: “Each agency that receives any funding in a year under section 416 of title 39, United States Code (as amended by this section) shall submit a written report under this subsection, with respect to such year, to the congressional committees with jurisdiction over the United States Postal Service. Each such report shall include—

“(1) the total amount of funding received by such agency under such section 416 during the year;

“(2) an accounting of how any funds received by such agency under such section 416 were allocated or otherwise used by such agency in such year; and

“(3) a description of any significant advances or accomplishments in such year that were funded, in whole or in part, out of amounts received by such agency under such section 416.”

REPORTS BY THE GENERAL ACCOUNTING OFFICE

Pub. L. 106-253, §2(c), July 28, 2000, 114 Stat. 636, provided that:

“(1) **INTERIM REPORT.**—The General Accounting Office shall submit to the President and each House of Congress an interim report on the operation of the program established under section 416 of title 39, United States Code (as amended by this section) not later than 4 years after semipostals are first made available to the public under such section.

“(2) **FINAL REPORT.**—The General Accounting Office shall transmit to the President and each House of Congress a final report on the operation of the program established under such section 416, not later than 6 months before the date on which it is scheduled to expire. The final report shall contain a detailed statement of the findings and conclusions of the General Accounting Office, together with any recommendations it considers appropriate.”

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 414 of this title.

CHAPTER 6—PRIVATE CARRIAGE OF LETTERS

Sec.

- | | |
|------|-----------------------------------|
| 601. | Letters carried out of the mail. |
| 602. | Foreign letters out of the mails. |
| 603. | Searches authorized. |
| 604. | Seizing and detaining letters. |
| 605. | Searching vessels for letters. |
| 606. | Disposition of seized mail. |

§ 601. Letters carried out of the mail

(a) A letter may be carried out of the mails when—

- (1) it is enclosed in an envelope;
- (2) the amount of postage which would have been charged on the letter if it had been sent by mail is paid by stamps, or postage meter stamps, on the envelope;
- (3) the envelope is properly addressed;
- (4) the envelope is so sealed that the letter cannot be taken from it without defacing the envelope;
- (5) any stamps on the envelope are canceled in ink by the sender; and
- (6) the date of the letter, of its transmission or receipt by the carrier is endorsed on the envelope in ink.

(b) The Postal Service may suspend the operation of any part of this section upon any mail route where the public interest requires the suspension.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 727.)

EFFECTIVE DATE

Chapter effective July 1, 1971, pursuant to Resolution No. 71-9 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as a note preceding section 101 of this title.

STUDY OF PRIVATE CARRIAGE OF MAIL: REPORTS TO PRESIDENT AND CONGRESS

Section 7 of Pub. L. 91-375 required the Board of Governors of the United States Postal Service to make a study of the restrictions on the private carriage of letters and packets and to submit a report and recommendations for modernization to the President and to the Congress within 2 years after the effective date of this section.

Provisions of section 7 of Pub. L. 91-375 effective within 1 year after Aug. 12, 1970, on date established therefor by the Board of Governors and published by it in the Federal Register, see section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding section 101 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 602 of this title; title 18 section 1696.

§ 602. Foreign letters out of the mails

(a) Except as provided in section 601 of this title, the master of a vessel departing from the United States for foreign ports may not receive on board or transport any letter which originated in the United States that—

- (1) has not been regularly received from a United States post office; or
- (2) does not relate to the cargo of the vessel.

(b) The officer of the port empowered to grant clearances shall require from the master of such a vessel, as a condition of clearance, an oath that he does not have under his care or control, and will not receive or transport, any letter contrary to the provisions of this section.

(c) Except as provided in section 1699 of title 18, the master of a vessel arriving at a port of the United States carrying letters not regularly in the mails shall deposit them in the post office at the port of arrival.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 727.)

§ 603. Searches authorized

The Postal Service may authorize any officer or employee of the Postal Service to make searches for mail matter transported in violation of law. When the authorized officer has reason to believe that mailable matter transported contrary to law may be found therein, he may open and search any—

- (1) vehicle passing, or having lately passed, from a place at which there is a post office of the United States;
- (2) article being, or having lately been, in the vehicle; or
- (3) store or office, other than a dwelling house, used or occupied by a common carrier or transportation company, in which an article may be contained.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 727.)

§ 604. Seizing and detaining letters

An officer or employee of the Postal Service performing duties related to the inspection of postal matters, a customs officer, or United States marshal or his deputy, may seize at any time, letters and bags, packets, or parcels containing letters which are being carried contrary to law on board any vessel or on any post road. The officer or employee who makes the seizure shall convey the articles seized to the nearest post office, or, by direction of the Postal Service or the Secretary of the Treasury, he may detain them until 2 months after the final determination of all suits and proceedings which may be brought within 6 months after the seizure against any person for sending or carrying the letters.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 728.)

§ 605. Searching vessels for letters

An officer or employee of the Postal Service performing duties related to the inspection of postal matters, when instructed by the Postal Service to make examinations and seizures, and any customs officer without special instructions shall search vessels for letters which may be on board, or which may have been conveyed contrary to law.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 728.)

§ 606. Disposition of seized mail

Every package or parcel seized by an officer or employee of the Postal Service performing duties related to the inspection of postal matters, a customs officer, or United States marshal or his deputies, in which a letter is unlawfully concealed, shall be forfeited to the United States. The same proceedings may be used to enforce forfeitures as are authorized in respect of goods, wares, and merchandise forfeited for violation of the revenue laws. Laws for the benefit and protection of customs officers making seizures for violating revenue laws apply to officers and employees making seizures for violating the postal laws.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 728.)

PART II—PERSONNEL

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CHAPTER 10—EMPLOYMENT WITHIN THE POSTAL SERVICE

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1003.	Employment policy.
1004.	Supervisory and other managerial organizations.
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1010.	Administration of oaths related to postal inspection matters.
1011.	Oath of office.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in section 3604 of this title.

§ 1001. Appointment and status

(a) Except as otherwise provided in this title, the Postal Service shall appoint all officers and employees of the Postal Service.

(b) Officers and employees of the Postal Service (other than those individuals appointed under sections 202, 204, and 1001(c) of this title) shall be in the postal career service, which shall be a part of the civil service. Such appointments and promotions shall be in accordance with the procedures established by the Postal Service. The Postal Service shall establish procedures, in accordance with this title, to assure its officers and employees meaningful opportunities for promotion and career development and to assure its officers and employees full protection of their employment rights by guaranteeing them an opportunity for a fair hearing on adverse actions, with representatives of their own choosing.

(c) The Postal Service may hire individuals as executives under employment contracts for periods not in excess of 5 years. Notwithstanding any such contract, the Postal Service may at its discretion and at any time remove any such individual without prejudice to his contract rights.

(d) Notwithstanding section 5533, 5535, or 5536 of title 5, or any other provision of law, any officer or employee of the Government of the United States is eligible to serve and receive pay concurrently as an officer or employee of the Postal Service (other than as a member of the Board or of the Postal Rate Commission) and as an officer or employee of any other department, agency, or establishment of the Government of the United States.

(e) The Postal Service shall have the right, consistent with section 1003 and chapter 12 of this title and applicable laws, regulations, and collective-bargaining agreements—

(1) to direct officers and employees of the Postal Service in the performance of official duties;

(2) to hire, promote, transfer, assign, and retain officers and employees in positions within the Postal Service, and to suspend, demote, discharge, or take other disciplinary action against such officers and employees;

(3) to relieve officers and employees from duties because of lack of work or for other legitimate reasons;

(4) to maintain the efficiency of the operations entrusted to it;

(5) to determine the methods, means, and personnel by which such operations are to be conducted;

(6) to prescribe a uniform dress to be worn by letter carriers and other designated employees; and

(7) to take whatever actions may be necessary to carry out its mission in emergency situations.

(Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 728.)

EFFECTIVE DATE

Section effective Mar. 1, 1971, pursuant to Resolution No. 71-13 of the Board of Governors. See section 15(a) of Pub. L. 91-375, set out as a note preceding section 101 of this title.

TRANSFER TO UNITED STATES POSTAL SERVICE OF POST OFFICE DEPARTMENT PERSONNEL

Section 8 of Pub. L. 91-375 provided that: "Officers and employees of the Post Office Department shall become officers and employees of the United States Postal Service on the effective date of this section. The provisions of this section shall not apply to persons occupying the positions of Postmaster General, Deputy Postmaster General, Assistant Postmasters General, General Counsel, or Judicial Officer. This section shall not be construed, however, to prohibit the appointment of such persons to positions in the Postal Service."

Provisions of section 8 of Pub. L. 91-375 effective within 1 year after Aug. 12, 1970, on date established therefor by the Board of Governors and published by it in the Federal Register, see section 15(a) of Pub. L. 91-375, set out as an Effective Date note preceding section 101 of this title.

APPOINTMENT OF POSTMASTERS AND OTHER EMPLOYEES ON MERIT BASIS

Section 13 of Pub. L. 91-375 provided that:

"(a) [*Methods of Appointment; Order of precedence; Status of Postmasters in Office*] Between the date of enactment of this Act [Aug. 12, 1970] and the date on which the Board of Governors of the United States Postal Service determines that section 1001 of title 39, United States Code (as enacted by section 2 of this Act), is effective, the Postmaster General shall appoint postmasters at offices of all classes in the competitive civil service by one of the three following methods which shall be applied in the following order of precedence:

"(1) by selection of a qualified employee serving at the post office where the vacancy occurs, including an acting postmaster who was serving on January 1, 1969, who shall acquire a competitive status upon being appointed postmaster;

"(2) if no qualified employee serving at the post office where the vacancy occurs is available for, and willing to accept, appointment by the method described in subparagraph (1), by selection of a qualified employee serving in the postal field service; or

"(3) if no qualified employee is available for, and willing to accept, appointment by the methods described in subparagraph (1) or (2), by competitive examination in accordance with the provisions of title 5, United States Code, governing appointments in the competitive service.